

REMARKS

This responds to the Final Office Action mailed on July 28, 2008.

Claims 1-25 are presently pending in this application. No amendments to the claims have been made herein.

§102 Rejection of the Claims

Claims 1-25 were rejected under 35 USC § 102(b) as being anticipated by Tseng et al. (U.S. 6,009,256). It is of course fundamental that in order to sustain an anticipation rejection that each and every rejected claim limitation must be taught or suggested in the exact detail and identical arrangement within the cited reference.

Applicant respectfully disagrees with the examiner that he Tseng references teaches or even suggests usage of existing emulators and existing simulators. The Examiner has recited various figure elements from FIG. 3 and column and line references in the Tseng reference in support of the Examiner's contention. However, there is no connection between any of these references and the notion that Tseng teaches or even remotely suggests an "existing emulator of the user" and an "existing simulator of the user."

The SEumulator described in Tseng is a combination simulator and emulator that takes the place of a user's simulator or emulator. See column 8 line 6 to column 9 line 6. Here, it is clear that the simulator and emulator is the provided SEumulator and not an existing simulator or emulator of the user.

It appears that the Examiner has ignored the adjective "existing" entirely from the claim limitations and believes the SEumulator to be an existing emulator and simulator of the user. But, this is not the case, Tseng provides the simulator and emulator solution as an integrated proprietary product it does not integrate with existing simulators and emulators and in fact cannot do this. The user to have the ability to switch between simulation and emulation must in fact use one single Tseng provided product the SEumulator. Applicant claims requires that an existing simulator and emulator of a user (based on broad interpretation afforded claims this includes any user-selected emulator or simulator); Tseng cannot do this, in Tseng the user must use the SEumulator.

Thus, Applicant respectfully requests that the Examiner reconsider the rejections of record and allow the claims of record.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have addressed every assertion made in the Office Action. Applicant's silence regarding any such assertion does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

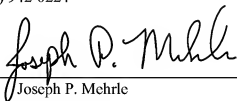
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By /  /
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